

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MSCO DISTRIBUTION AND)	
IMPROVEMENT, INCORPORATED,)	
)	Civil Action No. 07-0398
Plaintiff,)	
)	Judge Lancaster/ Magistrate Judge
v.)	Mitchell
)	
TY-LAN ENTERPRISES, INC. and)	
SURE DRIVE USA, INC.,)	
)	
Defendants.)	

**NOTICE OF VOLUNTARY DISMISSAL
OF COUNTS IV AND V OF PLAINTIFF'S COMPLAINT**

Plaintiff, MSCO Distribution and Improvement, Inc., and Defendant, Pan American Screw, Inc., d/b/a Sure Drive USA, Inc., by and through their undersigned attorneys, hereby stipulate to the dismissal with prejudice of the Plaintiff's claims for violation of 73 P.S. § 201-2(4)(xxi) set forth in Count IV, paragraphs 29-32 of its Complaint, and the Plaintiff's claims for violations of 15 USC § 1 set forth in Count V, paragraphs 33-35 of its Complaint. As a result, the Motion to Dismiss of Defendant, Pan American Screw, Inc., is now moot and should be dismissed.

The parties further stipulate and agree that Defendant, Pan American Screw Company, Inc., d/b/a Sure Drive USA, Inc., has thirty (30) days from the date that this Notice was electronically filed with the Court to file an Answer to the remaining averments of the Plaintiff's Complaint.

Consent of Defendant, Ty-Lan Enterprises, Inc., is not necessary as it was previously dismissed as a party to this lawsuit.

Respectfully submitted,

PAYNE, WELSH & KLINGENSMITH, LLC

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

By: /s/ Anthony S. Posa
Anthony S. Posa, Esquire
PA ID # 89777

By: /s/ Edward A. Miller
Edward A. Miller, Esquire
PA ID # 58954

105 Penn Plaza
Turtle Creek, PA 15145
(412) 823-8100
aposa@pwklawyers.com


U.S. Steel Tower, Suite 2900
600 Grant Street
Pittsburgh, PA 15219
(412) 803-1140
eamiller@mdwecg.com

Counsel for Plaintiff, MSCO Distribution and
Improvement, Incorporated

Counsel for Defendant, Pan American
Screw, Inc., d/b/a Sure Drive USA, Inc.

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SO ORDERED, this 16th day of May, 2007.



Gary L. Lancaster, U.S. District Judge